

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re:

ROYCE HOMES, L.P.,

Debtor.

RODNEY D. TOW,
CHAPTER 7 TRUSTEE

Plaintiff,

V.

AMEGY BANK, N.A., *et al.*,

Defendants.

[Decorative separator consisting of a series of repeating scroll-like motifs]

CIVIL ACTION NO. 4:11-cv-03700
JURY DEMANDED

**DEFENDANTS GEORGE KOPECKY, WATERMARK
LAND, LLC f/k/a WATERMARK LAND, LP AND WATERMARK TORTUGA, LLC'S
RULE 26(a) INITIAL DISCLOSURES**

In accordance with Rule 26(a) of the Federal Rules of Civil Procedure, George Kopecky (“Kopecky”), Watermark Land, LLC f/k/a Watermark Land, LP, and Watermark Tortuga, LLC (collectively “Watermark”), Defendants, serve their Initial Disclosures on Rodney D. Tow, Chapter 7 Trustee, Plaintiff, as follows:

A. The name and, if known, address and telephone number of each individual likely to have information that bears significantly on any claim or defense, identifying the subjects of the information:

1. John Speer
Represented by Ed Harrell
Hughes Watters Askanase, L.L.P.
333 Clay, 29th Floor
Houston, Texas 77002
Telephone: (713) 759-0818

John Speer has discoverable information relevant to all aspects of the Debtor, including but not limited to: accounting practices and records of the Debtor,

home sales by the Debtor, purchasing authority of employees of the Debtor, financial condition of the Debtor at all times relevant to this case, and the settlement of the Cause No. 2008-64748, George Kopecky v. John Speer, Hammersmith Group, Inc. and Royce Homes, L.P., in the 129th District Court, Harris County, Texas, with Kopecky.

2. **Nancy Boothe**
9550 Ella Lee Lane, #1166
Houston, Texas 77063
Telephone: (281) 870-0913
Nancy Boothe was John Speer's secretary. She may have discoverable information regarding management of the Debtor, accounting records and practices of the Debtor, the financial status of the Debtor, and other operational knowledge of the Debtor. She may also have information regarding authority and responsibility of Kopecky within the Royce organization.
3. **Betty Woodruff**
9805 Radio Road
Houston, Texas 77075
Telephone: (713) 991-4047
Betty Woodruff was a Vice President of Administration for Debtor. She may have discoverable information regarding all aspects of Debtor's accounting practices and financial condition. She may also have information regarding authority and responsibility of Kopecky within the Royce organization.
4. **Scott Cunningham**
The Cunningham Law Firm
7500 San Felipe, Suite 1010
Houston, Texas 77063
Telephone: (713) 273-8950
Scott Cunningham represented Kopecky in Cause No. 2008-64748, George Kopecky v. John Speer, Hammersmith Group, Inc. and Royce Homes, L.P., in the 129th District Court, Harris County, Texas, and may have discoverable information relating thereto.
5. **David Donnelly**
Gainer, Donnelly & Desroches
5847 San Felipe, Suite 1100
Houston, Texas 77057
Telephone: (713) 621-8090
David Donnelly was and is Kopecky's accountant. David Donnelly may have discoverable information regarding the finances of Kopecky and Watermark.
6. **William Gathmann**
4602 Riverside Oaks Drive
Kingwood, Texas 77345

Telephone: (281) 360-7962

William Gathmann was the Chief Financial Officer of the Debtor. Mr. Gathmann may have discoverable information regarding all financial aspects of the Debtor, including but not limited to its' financial condition at times relevant to this lawsuit.

7. **James Hunter**
17510 Red Oak Drive
Houston, Texas 77090
Telephone: (832) 274-6623
James Hunter may have discoverable information relating to Watermark, including the formation and financial status of the Watermark entities. He may also have discoverable information regarding the accounting of Debtor, as well as Debtor's financial condition at times relevant to this lawsuit.
8. **William Shawn Speer**
9702 Champions Cove Drive
Spring, Texas 77379
Telephone: (281) 379-6717
William Shawn Speer may have discoverable information regarding the lawsuit and settlement in Cause No. 2008-64748, George Kopecky v. John Speer, Hammersmith Group, Inc. and Royce Homes, L.P., in the 129th District Court, Harris County, Texas.
9. **Grant Alan Speer**
7618 Heron Lakes Drive
Houston, Texas 77064
Telephone: unknown
Grant Alan Speer may have discoverable information regarding the lawsuit and settlement in Cause No. 2008-64748, George Kopecky v. John Speer, Hammersmith Group, Inc. and Royce Homes, L.P., in the 129th District Court, Harris County, Texas.
10. **Marisa Lynn Speer**
9115 Taidswood Drive, #25050
Spring, Texas 77379
Telephone: (979) 260-4174
Marisa Lynn Speer may have discoverable information regarding the lawsuit and settlement in Cause No. 2008-64748, George Kopecky v. John Speer, Hammersmith Group, Inc. and Royce Homes, L.P., in the 129th District Court, Harris County, Texas.
11. **Kelly Anne Speer**
13503 Northborough Drive #1113
Houston, Texas 77067
Telephone: (281) 288-7725

Kelly Anne Speer may have discoverable information regarding the lawsuit and settlement in Cause No. 2008-64748, George Kopecky v. John Speer, Hammersmith Group, Inc. and Royce Homes, L.P., in the 129th District Court, Harris County, Texas.

12. **David Weber**
Address unknown
Telephone: unknown
David Weber may have discoverable information regarding the operations of the Debtor, including but not limited to financial and accounting information.
13. **James Oyer**
3410 Amherst Street
Houston, Texas 77005
Telephone: (713) 666-5938
James Oyer may have discoverable information regarding the operations of the Debtor, including but not limited to financial and accounting information.
14. **Rebekah Barrientos**
Address unknown
Telephone: unknown
Rebekah Barrientos may have discoverable information regarding the accounting information and practices of Debtor, the financial condition of Debtor, and the operations of Debtor.
15. **Rosalinda Nowak**
2418 Wilde Rock Way
Houston, Texas 77018
Telephone: unknown
Rosalinda Nowak may have discoverable information regarding the accounting information and practices of Debtor, the financial condition of Debtor, and the operations of Debtor.
16. **Murrah Mayberry**
1706 Stemply Court
Houston, Texas 77094
Telephone: (281) 647-9822
Rosalinda Nowak may have discoverable information regarding the accounting information and practices of Debtor, the financial condition of Debtor, and the operations of Debtor.
17. **Julie Stevens**
7030 Garden Mist Lane
Humble, Texas 77346
Telephone: (281) 472-6445

Julie Stevens may have discoverable information regarding the accounting information and practices of Debtor, the financial condition of Debtor, and the operations of Debtor.

18. **Karen Blair**
9030 Tarpon Springs Lane
Houston, Texas 77095
Telephone: (713) 392-3025

Karen Blair may have discoverable information regarding the accounting information and practices of Debtor, the financial condition of Debtor, and the operations of Debtor.

19. **Pamela Tyler Mitchell**
130 Phanturn Lane
Houston, Texas 77401
Telephone: (713) 661-3544

Pamela Tyler Mitchell may have discoverable information regarding the accounting information and practices of Debtor, the financial condition of Debtor, and the operations of Debtor.

Kopecky and Watermark further identify those persons that have been, or will be, identified by any deponent in this case or that have been identified in any 2004 Examinations taken in the underlying bankruptcy proceeding, Case No. 09-32467-H4-7 (Chapter 7), In re: Royce Homes, L.P., United States Bankruptcy Court, Southern District of Texas, Houston Division. Kopecky and Watermark additionally identify those persons identified and listed by all other parties in this matter in their Rule 26(a) Initial Disclosures.

B. A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody or control of the party that are likely to bear significantly on any claim or defense, together with any claims of privilege:

Defendants identify the approximately 2,500 pages of material that have been previously produced to the Trustee, Rodney D. Tow, in the underlying bankruptcy proceeding, being Case No. 09-32467-H4-7 (Chapter 7), In re: Royce Homes, L.P., United States Bankruptcy Court, Southern District of Texas, Houston Division. Those materials are in the possession of the Trustee, Rodney D. Tow, and are also in the possession of the undersigned counsel. Defendants reserve the right to rely upon the entirety of the documents it has produced in this case and will make these documents available to all parties.

Defendants specifically reference to the settlement documents regarding the dispute styled as *George Kopecky v. John Speer, Hammersmith Group, Inc. and Royce Homes, L.P.*, being Cause No. 2008-64748 in the 129th District Court, Harris County, Texas.

Those settlement documents have been produced to the Trustee, Rodney D. Tow and are in the possession of Defendants' counsel.

Defendants further incorporate by reference and reserve the right to rely upon the entirety of the documents produced by the other parties to this litigation. These documents may be used by Defendants to support its defenses in this case and are in the possession of each respective party.

C. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material on which such computation is based, including materials bearing on the nature and extent of injuries suffered:

Defendants are not seeking damages at this time. However, Defendants reserve their right to supplement and/or amend these Initial Disclosures.

D. For inspection and copying as under Rule 34, any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment:

Defendants are unaware of any applicable insurance agreement at this time.

DATED: December 9, 2011.

Respectfully submitted,

By: /s/ Pascal Paul Piazza
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CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2011, a true and correct copy of the above and foregoing RULE 26(A) INITIAL DISCLOSURES was served via electronic transmission and/or via First Class U.S. Mail to the parties listed below:

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VIA ECF

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***ATTORNEYS FOR Hammersmith Group, LLC f/k/a Hammersmith Group, Inc. and
Park Lake Communities, L.P.***